

AMENDED IN ASSEMBLY MARCH 22, 2017

AMENDED IN ASSEMBLY MARCH 13, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Gonzalez Fletcher
(Coauthors: Assembly Members Chiu and Friedman *Friedman,*
***McCarty, and Mark Stone*)**

January 30, 2017

An act to amend Section 15853 of the Government Code, and to add Chapter 10 (commencing with Section 31411) to Division 21 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Gonzalez Fletcher. State Coastal Conservancy: Lower Cost Coastal Accommodations Program.

(1) Existing law establishes the State Coastal Conservancy in state government, and prescribes the membership and functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified coastal lands in the coastal zone, as defined.

This bill would require the conservancy to develop and implement a specified Lower Cost Coastal Accommodations Program intended to facilitate improvement of existing, and development of new, lower cost accommodations within 3 miles of the coast. The bill would require the conservancy to take specified actions to develop and implement the program, as prescribed. The bill would require the conservancy to prepare a lower cost coastal accommodations assessment containing specified information relating to specific opportunities to improve existing, and generate new, lower cost coastal accommodations, and to

update the assessment not less *than* every 5 years. The bill would also authorize the conservancy to develop and implement a pilot program for the purposes of identifying and testing measures that support development, improvement, maintenance, and the operation of lower cost coastal accommodations by nonprofit or for-profit private entities, and would require the conservancy to establish criteria for the selection of projects to be included in the pilot program.

(2) Existing law authorizes the State Public Works Board to select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function. Existing law requires that all land and other real property to be acquired by or for any state agency, except for specified state agencies including the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to the California Coastal Act of 1976, be acquired by the state board.

This bill would exempt land acquired by the conservancy for the purposes of the program from that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15853 of the Government Code is
- 2 amended to read:
- 3 15853. (a) The board may select and acquire, in the name of
- 4 and on behalf of the state, with the consent of the state agency
- 5 concerned, the fee or any lesser right or interest in any real property
- 6 necessary for any state purpose or function.
- 7 (b) If moneys are appropriated by the Budget Act for any fiscal
- 8 year or by any other act for the acquisition of land or other real
- 9 property, either (1) subject to this part or (2) for any state agency
- 10 for whom property is acquired by the board, the moneys and
- 11 acquisitions are subject to this part and the moneys shall be
- 12 expended in accordance with this part, notwithstanding any other
- 13 law.
- 14 (c) Notwithstanding any other law, all land and other real
- 15 property to be acquired by or for any state agency, other than the
- 16 Department of Transportation, the Department of Water Resources,
- 17 the State Reclamation Board, the Department of Fish and Game,

1 the Wildlife Conservation Board, the Public Employees'
2 Retirement System, the State Teachers' Retirement System, the
3 Department of Housing and Community Development, the State
4 Lands Commission, except for property to be acquired for the State
5 Lands Commission pursuant to an appropriation from the General
6 Fund, and the State Coastal Conservancy with respect to acceptance
7 of offers to dedicate public accessways made pursuant to Division
8 20 (commencing with Section 30000), and for the purposes of
9 Chapter 10 (commencing with Section 31411) of, the Public
10 Resources Code, shall be acquired by the State Public Works Board
11 in accordance with this part.

12 (d) (1) Notwithstanding subdivision (a), the board shall acquire,
13 on behalf of and for the Department of Parks and Recreation, in
14 accordance with this part, any interests in real property, including
15 options to purchase, which have been appraised, selected, and
16 settled through purchase negotiations by the Department of Parks
17 and Recreation pursuant to subdivision (b) of Section 5006 of the
18 Public Resources Code. Out of moneys appropriated for the
19 acquisition of options to purchase, no more than ten thousand
20 dollars (\$10,000) may be expended for the acquisition of any single
21 option unless otherwise provided by the Legislature.

22 (2) Notwithstanding Section 15854, purchase negotiations for
23 interests in real property for the state park system pursuant to
24 subdivision (d) of Section 5006 of the Public Resources Code shall
25 be initiated within six months of the effective date of the act that
26 appropriates funds for the acquisition. Purchase negotiations on
27 all projects not proposed pursuant to subdivision (d) of Section
28 5006 of the Public Resources Code shall be initiated within 12
29 months of the effective date of the act appropriating funds for the
30 acquisition. Either title shall be conveyed or a written agreement
31 to transfer title shall be executed within the appropriate
32 authorization period unless the Department of Parks and Recreation
33 formally abandons the acquisition prior to the conclusion of the
34 appropriate authorization period. For the purposes of this section,
35 in order for the Department of Parks and Recreation to "formally
36 abandon" an acquisition, it shall transmit written notification to
37 the board of its intent not to proceed with the acquisition.

38 (3) The board, at any time during the periods specified in
39 paragraph (2), may commence condemnation proceedings if it
40 finds it to be appropriate. However, if, during the appropriate

1 authorization period, title is not conveyed or a written agreement
2 to transfer title is not signed, the acquisition has not been formally
3 abandoned, or condemnation proceedings have not been
4 commenced, the Department of Parks and Recreation shall notify,
5 by letter, the chair of the committee in each house of the
6 Legislature that considers appropriations, the Chair of the Joint
7 Legislative Budget Committee, and the Members of the Legislature
8 within whose district any part of the land or other real property is
9 located of the status of the acquisition. For the purpose of this
10 paragraph, condemnation proceedings shall be deemed to be
11 commenced as of the date the board authorizes acquisition by
12 condemnation.

13 (4) The board may schedule special meetings as are necessary
14 to expedite the acquisition of options to purchase real property for
15 the state park system.

16 (e) The board may acquire furnishings that the owner thereof
17 agrees to sell and that are contained within improvements acquired
18 by the board. Cost of acquisition of furnishings shall be charged
19 to the appropriation available for acquisition of the real property.

20 (f) This section shall not apply to the acquisition of conservation
21 easements made pursuant to the California Forest Legacy Program
22 Act of 2007 (Division 10.5 (commencing with Section 12200) of
23 the Public Resources Code).

24 SEC. 2. Chapter 10 (commencing with Section 31411) is added
25 to Division 21 of the Public Resources Code, to read:

26
27 CHAPTER 10. LOWER COST COASTAL ACCOMMODATIONS
28 PROGRAM
29

30 31411. The Legislature finds and declares all of the following:

31 (a) The right of access to the coast is guaranteed to the people
32 of California by the California Constitution and the California
33 Coastal Act of 1976 (Division 20 (commencing with Section
34 30000)), which requires that coastal development be regulated,
35 and public access rights to our state's beaches be protected.

36 (b) California's Parks Forward Commission has emphasized
37 the need to expand access to parks and public lands throughout
38 California to ensure that all Californians and visitors to the state,
39 including those from low-income and underserved communities,
40 are able to benefit from outdoor experiences.

1 (c) Lower cost accommodations, including hotels, motels,
2 hostels, cabins, and camping opportunities, are essential elements
3 of coastal and park access because they enable Californians and
4 visitors from a variety of backgrounds, including those of low and
5 moderate income, to enjoy California's beaches and parks and
6 experience the full range of recreational, educational, spiritual,
7 and other experiences offered.

8 (d) A lack of affordable accommodations remains a barrier to
9 coastal access. California's historic supply of lower cost coastal
10 accommodations has been reduced, and continues to be diminished,
11 as a result of high coastal property values and economic pressures
12 to develop new coastal accommodations that are too expensive to
13 be affordable to most visitors.

14 (e) California should invest in new strategies and partnerships
15 to improve the availability of lower cost accommodations along
16 the coast, particularly for low-income and middle-income families.
17 A strategic program to provide affordable accommodations in
18 appropriate areas of our coastal parks and public lands can play
19 an important role in improving public access to the coast. California
20 should also support innovative pilot projects that enable the state
21 to partner with nonprofit organizations and the private sector in
22 order to provide coastal access.

23 31412. (a) The conservancy shall develop and implement a
24 Lower Cost Coastal Accommodations Program to facilitate
25 improvement of existing, and the development of new, lower cost
26 accommodations within three miles of the coast. In implementing
27 the program, the conservancy may undertake projects and award
28 grants, and shall be guided by the lower cost accommodations
29 assessment required to be developed pursuant to Section 31413.

30 (b) The program shall include both of the following:

31 (1) Clear and measurable objectives.

32 (2) Implementation measures designed to ensure that new or
33 improved accommodation projects supported by the program will
34 be affordable and available to low-income and middle-income
35 ~~families, families and to nonprofit organizations, organizations~~
36 and public entities that provide young or at-risk populations with
37 education, service learning, healthy living, recreational, or similar
38 opportunities.

39 (c) The conservancy shall take all of the following actions to
40 develop and implement the program:

1 (1) Consult with the Department of Parks and Recreation, the
2 California Coastal Commission, local and regional park agencies,
3 open-space districts, and other public agencies regarding
4 development of the accommodations assessment and selection and
5 funding of specific projects to improve existing and new lower
6 cost coastal accommodations.

7 (2) Engage with parks, conservation, and community groups to
8 ensure that program activities reflect and address community needs
9 and interests.

10 (3) Provide the department, commission, and other interested
11 agencies and organizations with copies of the completed
12 assessment, as well as technical assistance upon request, for
13 purposes of informing their potential investments in lower cost
14 accommodations along the coast.

15 31413. (a) The conservancy shall prepare a lower cost coastal
16 accommodations assessment that includes, at a minimum, all of
17 the following elements:

18 (1) (A) A description of specific opportunities to improve
19 existing and develop new lower cost accommodations on coastal
20 public lands and coastal lands owned or operated by nonprofit
21 organizations, including a list of potentially suitable sites for the
22 location of these accommodations.

23 (B) For purposes of the description required by this paragraph,
24 all of the following shall apply:

25 (i) Lands may include, but are not limited to, state, regional,
26 and local parks, lands held by harbor or open space districts, lands
27 owned by the public but not yet designated as parks, lands owned
28 by nonprofit organizations, and national parks and other federally
29 managed lands.

30 (ii) Qualifying accommodations may include, but are not limited
31 to, campgrounds, cabins, and hostels.

32 (iii) A site for potential lower cost accommodations shall not
33 be included in the assessment without consultation from the agency
34 or nonprofit organization that owns or operates the site. A site shall
35 not be included in the assessment if so requested by the entity that
36 owns or operates the site.

37 (2) An analysis of daily occupancy or rental rates, based on
38 geographic location, seasonality, and other relevant factors, that
39 the conservancy will consider for purposes of identifying existing
40 lower cost accommodations as well as potential future projects for

1 program support. Any analysis developed pursuant to this
2 paragraph shall not be interpreted to conflict with any rights and
3 responsibilities of the Department of Parks and Recreation to
4 establish rental rates or fees for accommodations within its
5 jurisdiction.

6 (3) Data and analysis regarding the existing supply of and need
7 for lower cost coastal accommodations within the program area,
8 as well as an analysis of the supply of lower cost accommodations
9 relative to population within 150 miles of the California coast.

10 (4) Criteria for prioritizing investment of program funds in lower
11 cost accommodation projects, such as any applicable legal
12 requirements that may apply to those funds, geography, the
13 vulnerability of potential projects to sea level rise or coastal
14 hazards, existing disparities in park or coastal access, availability
15 of public agency or nonprofit partners, adequacy of existing
16 infrastructure and services, and financial feasibility.

17 (5) A description of needed and anticipated measures to ensure
18 that accommodation projects that may be supported by the program
19 will be consistent with the purposes described in paragraph (2) of
20 subdivision (b) of Section 31412.

21 (6) A list of appropriate public and private funding sources and
22 potential financing mechanisms to support development and
23 operation of lower cost accommodation projects.

24 (b) (1) The conservancy shall update the assessment not less
25 than every five years, and maintain a current list of potential lower
26 cost accommodation projects that may be implemented, subject
27 to available funding.

28 (2) Each five-year update of the assessment shall include an
29 evaluation of the conservancy's implementation of the program
30 over the preceding five years, and shall describe any recommended
31 changes that may be needed to improve the program's
32 effectiveness.

33 31414. (a) The conservancy may develop and implement a
34 pilot program for the purposes of identifying and testing measures
35 that support development, improvement, maintenance, and
36 operation of lower cost accommodations by nonprofit or for-profit
37 private entities. The conservancy shall establish criteria for
38 selection of projects that are eligible to receive assistance under
39 the pilot program.

1 (b) In carrying out a pilot program, the conservancy may do all
2 of the following:

3 (1) Purchase existing lower cost accommodations *from willing*
4 *sellers* and operate those accommodations through leases or
5 operating agreements with qualified regional or local park agencies,
6 concessionaires, or nonprofit organizations.

7 (2) Purchase ~~and resell~~ existing accommodations *from willing*
8 *sellers and resell them* to willing buyers, including private entities.

9 (3) Provide loans, grants, or other financial assistance to private
10 entities for purposes of acquiring or improving accommodations.

11 (c) (1) Any project or transaction undertaken pursuant to this
12 section shall be subject to terms and conditions prescribed by the
13 conservancy to ensure that the project or transaction advances the
14 purposes of the program, is based upon the economic soundness
15 of the project itself, and provides a reasonable expectation that all
16 financial obligations of the project can be met by participating
17 parties.

18 (2) Any sale of real property to a private entity pursuant to this
19 section shall be subject to deed restrictions or other legally
20 enforceable instruments that require the property to be used for
21 the provision of lower cost coastal accommodations for at least 30
22 years following the date of sale.

23 (3) Any purchase of property by the conservancy pursuant to
24 this chapter shall not be subject to the Property Acquisition Law
25 (Part 11 (commencing with Section 15850) of Division 3 of Title
26 2 of the Government Code).

27 (d) For purposes of this section, accommodations may include,
28 but are not limited to, campgrounds, cabins, hostels, limited stay
29 recreational vehicle parks, motels, and hotels.